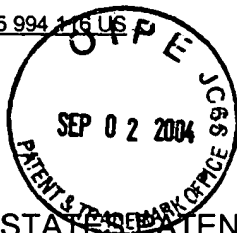


"Express Mail" mailing label number EV 325 994 116 US

Date of Deposit: September 2, 2004



Our Case No.: 7948/15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

L. Biedermann et al.

Serial No.: 10/660,453

Filing Date: September 11, 2003

For: SPACE KEEPER FOR  
VERTEBRAE OR  
INTERVERTEBRAL DISKS

Examiner: Unknown

Group Art Unit No.: Unknown

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

**U.S. PATENTS**

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
US 2003/0045939 A1	03/06/03	Casutt
5,480,442	01/02/96	Bertagnoli
5,534,029	07/09/96	Shima

## **FOREIGN PATENT DOCUMENTS**

<u>Document No.</u>	<u>Date</u>	<u>Country</u>
DE 42 08 116 A1	09/23/93	Germany
DE 42 08 116 C2	09/23/93	Germany
DE 43 23 034 C1	07/28/94	Germany
WO 00/35384	06/22/00	PCT
WO 01/68003 A1	09/20/01	PCT
2 263 842	07/04/74	Germany
DD 239 523 B3	04/01/93	Germany
0 268 115 B1	10/28/87	Europe

## **OTHER ART**

Copy of European Search Report for Application No. 03017959.2-2310  
dated October 21, 2003

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

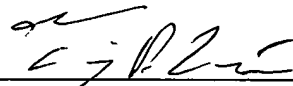
This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

In accordance with 37 C.F.R. § 1.97(e)(1), Applicant(s) hereby certify that some of the items of information disclosed in this Information Disclosure Statement were cited

in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of the present statement, as evidenced by the date of the enclosed search report.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Timothy P. Lucier  
Registration No. 44,882  
Attorney for Applicant(s)

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P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200



FORM PTO-1449	SERIAL NO.	CASE NO.
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE	GROUP ART UNIT
(use several sheets if necessary)	APPLICANT(S):	

**REFERENCE DESIGNATION****U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	US 2003/0045939 A1	03/06/03	Casutt		
	A2	5,480,442	01/02/96	Bertagnoli		
	A3	5,534,029	07/09/96	Shima		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A4	DE 42 08 116 A1	09/23/93	Germany		
	A5	DE 42 08 116 C2	09/23/93	Germany		
	A6	DE 43 23 034 C1	07/28/94	Germany		
	A7	WO 00/35384	06/22/00	PCT		
	A8	WO 01/68003 A1	09/20/01	PCT		
	A9	DE 22 263 842 A	07/04/74	Germany		
	A10	DD 239 523 B3	04/01/93	Germany		
	A11	0 268 115 B1	10/28/87	Europe		

EXAMINER INITIAL	<b>OTHER ART – NON PATENT LITERATURE DOCUMENTS</b> <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	A12	Copy of European Search Report for Application No. 03017959.2-2310 dated October 21, 2003

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.